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5 IN THE UNITED STATES DISTRICT COURT
6
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

10 Plaintiff,

11 v.

12 MORIS FLORES, *et al.*

13 Defendants.
14 _____/

**ORDER DENYING DEFENDANT
MORIS FLORES' *EX PARTE*
MOTION TO STRIKE GOVERNMENT
RESPONSE TO MASSIAH MOTION**

15 Defendant Moris Flores moves to strike the government's response to his *Massiah*
16 motion as untimely (Dkt. No. 3436). The motion is **DENIED**. Although the government's
17 response was served eight days after the deadline, it contains factual assertions critical to
18 deciding defendant Flores' *Massiah* motion. Moreover, the government's responses to
19 *Massiah*-related motions filed by defendants Guillermo Herrera and Jonathan Cruz-
20 Ramirez — filed on January 21 and January 31, respectively — contained virtually the
21 same legal arguments as contained in the late-filed response to defendant Flores' motion.
22 Defendant Flores joined in the motions filed by Guillermo Herrera and Cruz-Ramirez and
23 it is likely counsel reviewed the responses to those motions.

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25 **IT IS SO ORDERED.**

26 Dated: February 11, 2011.

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28 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE